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Notice of Proposed Rulemaking)	
)	CS Docket No. 02-52
Appropriate Regulatory Treatment for)	
Broadband Access to the Internet Over)	
Cable Facilities)	
)	

These comments are filed by the City of Sioux City, Iowa in support of the comments filed by the Alliance of Local Organizations Against Preemption (the "Alliance"). Like the Alliance, Sioux City, Iowa, believes that (a) local communities should be able to require cable operators to obtain additional authorizations to use and occupy public rights of way to provide cable services, and to enforce existing authorizations that have been granted for the service; (b) should be able to obtain fair and reasonable compensation for use and occupancy of the public rights of way to provide non-cable services; and (c) should be able to regulate cable companies in their provision of non-cable services, as provided under the Cable Act.

1. Our community and the status of cable modem service.

2. Our franchise and cable modem service.

Our franchise was issued in 1999 and required the cable operator to provide cable modem service throughout the community. Pursuant to that provision, we are entitled to receive franchise fees on cable modem service. We received 3% in cable modem revenues. These payments were made in consideration of the grant of the

franchise. Our franchise was written to permit the operator to provide both cable services and other services, so long as the operator complied with the franchise terms.

3. How we regulate cable modem service.

Cable modem service is subject to the following requirements under our franchise:

- the operator is required to provide cable modem service throughout its service area, and is prohibited from redlining.
- the operator is prohibited from discriminating against potential customers.
- the operator is prohibited from demanding exclusive contracts as a condition of providing service to MDUs and others.

4. Our community and broadband deployment.

Our community believes it is very important to encourage broadband deployment, and to encourage development of broadband applications. We also believe that in order to achieve the promise of broadband, broadband has to be available to the entire community, as far as possible. We want to avoid knowledge and opportunity gaps created because some parts of the community have access to broadband information, while others do not.

To that end, our community devotes significant resources to take advantage of the information highway and to extend its benefits to all. The funds that we obtain from cable modem franchise fees can help support these and other activities. If we lose those funds, it will be more difficult to protect consumers, and to promote broadband deployment in this community.

Respectfully submitted,

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